IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO. 9063 OF 2005

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

---

Mr. J.M. Puranik for the petitioner.

Mr. Ravi Shetty for respondent Nos. 1 & 2.

CORAM: H.L. GOKHALE &
J.H. BHATIA, JJ.

DATED: 30TH JUNE, 2006

P.C.:

1. Heard Mr. Puranik in support of this petition. Mr. Shetty appears for the respondents i.e. Union of India as well as B.A.R.C. He points out that B.A.R.C. is a department of the Union of India and, therefore, proper forum for the petitioner is to approach the Central Administrative Tribunal ("C.A.T." in short). He relied upon the judgement of the Apex Court in **Kendriya Vidyalaya Sangathan & anr. v/s Subhas Sharma, etc., reported in All India Services Law Journal 2002 (2) page 296,** wherein the Apex Court, following the decision of the Constitution Bench in L. Chandra Kumar's case, has held that the

C.A.T. alone is the Court of first instance in service matters.

2. In the present case, the petitioner is challenging the rejection of his application for appointment by 2nd respondent's letter dated 15.4.2005. The correct forum for him is to approach the C.A.T. Mr. Puranik, therefore, seeks to withdraw this petition with liberty to file Original Application in the C.A.T. The petition is allowed to be withdrawn with liberty.

3. The petition was filed on 8.12.2005 and has been pending in this Court since then. The time spent in this Court will be excluded for the purposes of limitation as and when the petitioner files the Original Application.

4. Petition dismissed as withdrawn with liberty as above.

.....

(H.L. Gokhale, J.)

(J.H. Bhatia, J.)